IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.19 OF 2007
Along with
Civil Application No.269 of 2007

Shri Ramsingh Kisansingh Rajput, since deceased, through his L.Rs
1A.Smt.Shakuntala Ramsing Rajput
and ors. .. Appellants.

Vs
Smt. Akkatai Kisansing Rajput,
since decdased,throughher L.Rs,
1A. Shri Bharatsing Kisansing Rajput
and ors. .. Respondents.

Mr Umesh Mankapure, for the appellants.
Mr S.G.Deshmukh, for respondent nos 1A to 1D.

CORAM : **D.B.BHOSALE,J.**
DATE : 05/03/2007
PC:

1. Heard the learned counsel for the parties.

2. This appeal by the original plaintiff is directed against the concurrent judgments of the courts below, by which his suit for possession and mesne profits stands dismissed. The case set up by the plaintiff is that the suit property is his self acquired property purchased by him under a registered sale deed dated 21.9.1960 for Rs.1000/-. The plaintiff is the step son of defendant no.1 and the step brother of defendant nos 2 to 4. The plaintiff’s father Kisan died on 3.4.1985. Admittedly, the plaintiff permitted the defendants to use the suit

property and that is how the defendants are in possession of the suit property. As against this, according to the defendants, the suit property was purchased from the income of the joint family business of Sweets. Both the courts below, after having considered the entire material on record, have concurrently held that the plaintiff has failed to prove that he is exclusive owner of the suit property and that he is entitled for possession thereof. No substantial question of law, in my opinion, is involved in the present appeal. Keeping that in view and considering the concurrent findings of facts and as I find sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under section 100 of C.P.C to disturb the findings of fact, the second appeal fails and dismissed as such. As a consequence thereof, the civil application for interim relief is rejected.

(D.B.BHOSALE,J.)